

Remarks

Reconsideration of the subject application is requested in view of the following remarks.

Claims 1-15 are in the application.

Claims 1-6 and 10-15 stand rejected as allegedly anticipated by Chatterjee et al., U.S. Patent 6,122,503 ("Chatterjee"). This rejection is traversed. Claim 1 recites a method of activating a mobile station for communicating with a telecommunications network. The method includes a first registration in which the mobile station is provided with a permanent mobile station ID and a second registration in which the permanent mobile station ID is received from the mobile station. Based on receipt of the permanent mobile station ID from the mobile station, programming data (activation parameters) is communicated to the mobile station.

Chatterjee does not teach or suggest such an activation method based on a first and a second registration. According to Chatterjee, a mobile station is programmed with a dummy MIN at the time of manufacture. The mobile station prepares a registration order message that includes the dummy MIN and transmits the registration order. In response, activation parameters are transmitted to the mobile station. Col. 9, line 59 to col. 10, line 28. Thus, according to Chatterjee, activation is accomplished in a single registration order and based on the dummy MIN. In contrast, the method of claim 1 recites an activation method in which the permanent mobile station ID is received from the mobile station, and programming data is communicated to the mobile station based on the permanent mobile station ID.

In response to the Amendment we submitted on October 16, 2003, the Office action disagrees with our statement that Chatterjee does not teach a first registration and a second registration. As described above, Chatterjee teaches activating a mobile station based on a single registration notification message using a dummy MIN. Col. 10, lines 3-4. In response to this

single registration notification message, the activation process is initiated and activation parameters are sent to the mobile station identified by the dummy MIN. Col. 10, lines 24-27. Thus, according to Chatterjee, activation is accomplished with a single registration order in response to transmission of a dummy MIN. The Office action states that Chatterjee teaches second registration wherein the permanent mobile station ID is received. However, according to Chatterjee, this second registration is a registration of a previously activated cell phone in a new service area. Col. 10, lines 31-32. The Office action states that Chatterjee teaches, in Chatterjee's Figure 6 and at col. 10, lines 29-51, receiving programming data subsequent to the second registration. However, Figure 6 and col. 10, lines 29-51 describe registration of a previously activated cell phone and do not teach or suggest communication of programming data (activation parameters) to the mobile station. Instead, Figure 6 and col. 10, lines 29-51 describe a series of steps in which network components such as, for example, a base station, a mobile switching center, a service transfer point (STP), a visitor location register (VLR) and a home location register (HLR) communicate so that local service is available to the cell phone based on a VLR record. No programming (activation) data is communicated to the mobile station in this second registration simply because the cell phone is already activated.

In view of the preceding all pending claims are properly allowable over Chatterjee.

Claims 7-9 stand rejected as allegedly obvious from a combination of Chatterjee and Daly, U.S. Patent 6,122,503 ("Daly"). This rejection is traversed. Claim 7 depends from allowable claim 7 and is therefore properly allowable.

Claim 8 recites a method of activating a mobile station that includes receiving a temporary activation mobile station ID and ESN from a mobile station, communicating a permanent mobile station ID to the mobile station, receiving the permanent mobile station ID

and ESN from the mobile station, and sending programming data to the serving mobile switching center. As noted above, Chatterjee teaches activation based on receipt of a temporary MIN, and Chatterjee does not teach or suggest sending programming data (activation parameters) in response to receipt of a permanent mobile station ID as recited in claim 8. Claims 9-15 similarly recite communication of programming data (activation parameters) based on receipt of a permanent mobile station ID from the mobile station. Because no combination of Chatterjee and Daly teaches or suggests such activation methods, claims 8-15 are properly allowable over any combination of Chatterjee and Daly.

Finally, applicant requests clarification of the rejections based on the combination of Chatterjee and Daly. It appears that Daly is cited as prior art under 35 U.S.C. § 102(e). However, Daly is the sole inventor of the subject application as well as of U.S. Patent 6,122,503, and therefore this patent does not qualify as prior art under 35 U.S.C. § 102(e). Clarification is requested.

In view of the preceding remarks, all claims are in condition for allowance and action to such end is requested.

Respectfully submitted,

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